

REMARKS

The office action of April 19, 2010, has been carefully considered.

It is noted that claims 1-12 are rejected under 35 U.S.C. 112, second paragraph.

The drawings are objected to under 37 C.F.R. 1.83(a).

Finally, it is noted that claim 1-8 and 10-12 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

In view of the Examiner's rejections of the claims, applicant has canceled claim 9, and amended claims 1, 5, 10 and 11.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-12 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

In connection with the objection to the drawings, applicant has amended claim 1 so that all of the recited features are shown in the drawings. In view of these considerations it is respectfully submitted that the objection to the drawings is overcome and should be withdrawn.

Independent claim 1 recites a construction in which the rear-most roof part of the front roof section, during opening, does not protrude above a height of the rear-most roof part in a closed position. This allows the roof to be opened and closed even during driving of the automobile without resulting in a large surface area being exposed to the wind. None of the references cited by the Examiner, taken alone or in the various combinations presented by the Examiner, teach a convertible as recited in the independent claims presently on file and as discussed above. In the references the rear-most part of the front section of the roof is, during opening, raised above its closed position so as to expose a large surface area to the wind


if the automobile is moving. There is no suggestion of a construction as is now being claimed.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,

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Dated: October 19, 2010

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By: 
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Date: October 19, 2010